



March 20, 2009

ENGROSSED

HOUSE BILL No. 1419

DIGEST OF HB 1419 (Updated March 18, 2009 5:39 pm - DI 71)

Citations Affected: IC 20-26; IC 20-31; IC 20-33; noncode.

Synopsis: Student discipline. Requires the governing body of a school corporation to develop an evidence based plan for improving behavior and discipline in the school corporation, and a school within the school corporation to comply with the plan in developing the school's plan. Requires school corporation discipline rules to incorporate a graduated system of discipline, which includes actions that may be taken in lieu of suspension or expulsion. Requires the department of education to develop a master evidence based plan for improving student behavior and discipline upon which school corporations may base plans.

Effective: July 1, 2009.

Smith V, Porter, Smith M

(SENATE SPONSORS — ROGERS, LUBBERS)

January 13, 2009, read first time and referred to Committee on Education.
February 17, 2009, amended, reported — Do Pass.
February 20, 2009, read second time, ordered engrossed. Engrossed.
February 25, 2009, read third time, passed. Yeas 96, nays 1.

SENATE ACTION

March 3, 2009, read first time and referred to Committee on Education and Career Development.
March 19, 2009, amended, reported favorably — Do Pass.

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March 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1419

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-5-32 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 32. The governing body of each school corporation**
4 **shall work with parents to:**

5 (1) **develop; and**
6 (2) **review periodically;**
7 **an evidence based plan for improving student behavior and**
8 **discipline in the school corporation after receiving a model plan**
9 **developed by the department.**

10 SECTION 2. IC 20-31-5-6, AS ADDED BY P.L.1-2005, SECTION
11 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 2009]: Sec. 6. (a) A plan must contain the following components for
13 the school:

14 (1) A list of the statutes and rules that the school wishes to have
15 suspended from operation for the school.

16 (2) A description of the curriculum and information concerning
17 the location of a copy of the curriculum that is available for

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inspection by members of the public.

(3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.

(4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.

(5) A provision to maximize parental participation in the school, which may include providing parents with:

(A) access to learning aids to assist students with school work at home;

(B) information on home study techniques; and

(C) access to school resources.

(6) For a secondary school, a provision to do the following:

(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers **that complies with the governing body's plan for improving student behavior and discipline developed under IC 20-26-5-32.**

(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

SECTION 3. IC 20-33-8-12, AS ADDED BY P.L.242-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) **Except as provided under IC 20-33-8-16,** the governing body of a school corporation must do the following:

(1) Establish written discipline rules, which **must include a graduated system of discipline and** may include:

(A) appropriate dress codes; and

(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases; for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the

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1 parents of students.
 2 This publicity requirement may not be construed technically and
 3 is satisfied if the school corporation makes a good faith effort to
 4 disseminate to students or parents generally the text or substance
 5 of a discipline rule.

6 (b) The:
 7 (1) superintendent of a school corporation; and
 8 (2) principals of each school in a school corporation;
 9 may adopt regulations establishing lines of responsibility and related
 10 guidelines in compliance with the discipline policies of the governing
 11 body.

12 (c) The governing body of a school corporation may delegate:
 13 (1) rulemaking;
 14 (2) disciplinary; and
 15 (3) other authority;
 16 as reasonably necessary to carry out the school purposes of the school
 17 corporation.

18 (d) Subsection (a) does not apply to rules or directions concerning
 19 the following:

- 20 (1) Movement of students.
- 21 (2) Movement or parking of vehicles.
- 22 (3) Day to day instructions concerning the operation of a
- 23 classroom or teaching station.
- 24 (4) Time for commencement of school.
- 25 (5) Other standards or regulations relating to the manner in which
- 26 an educational function must be administered.

27 However, this subsection does not prohibit the governing body from
 28 regulating the areas listed in this subsection.

29 SECTION 4. IC 20-33-8-25, AS ADDED BY P.L.1-2005,
 30 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2009]: Sec. 25. (a) This section applies to an individual who:

- 32 (1) is a member of the administrative staff, a teacher, or other
- 33 school staff member; and
- 34 (2) has students under the individual's charge.

35 (b) An individual may take disciplinary action **instead of or** in
 36 addition to suspension and expulsion that is necessary to ensure a safe,
 37 orderly, and effective educational environment. Disciplinary action
 38 under this section may include the following:

- 39 (1) Counseling with a student or group of students.
- 40 (2) Conferences with a parent or group of parents.
- 41 (3) Assigning additional work.
- 42 (4) Rearranging class schedules.

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(5) Requiring a student to remain in school after regular school hours:

(A) to do additional school work; or

(B) for counseling.

(6) Restricting extracurricular activities.

(7) Removal of a student by a teacher from that teacher's class for a period not to exceed:

(A) five (5) class periods for middle, junior high, or high school students; or

(B) one (1) school day for elementary school students;

if the student is assigned regular or additional school work to complete in another school setting.

(8) Assignment by the principal of:

(A) a special course of study;

(B) an alternative educational program; or

(C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

(A) A principal may not assign a student under this subdivision unless the student's parent approves:

(i) the nonprofit organization where the student is assigned;

and

(ii) the plan described in clause (B)(i).

A student's parent may request or suggest that the principal assign the student under this subdivision.

(B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:

(i) A plan for the service that the student is expected to perform.

(ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.

(iii) Monitoring of the student's performance of service by the principal or the principal's designee.

(iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

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(C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in IC 20-35-7-7) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

SECTION 5. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "department" refers to the department of education established by IC 20-19-3-1.

(b) Not later than June 1, 2010, the department shall develop and make available to school corporations a model evidence based plan for improving discipline and behavior within schools. The department shall consult with the division of child services, the division of mental health and addiction, parent organizations, and state educational institutions in developing a model plan.

(c) A model plan developed under subsection (b) must include guidelines for accomplishing the following results:

(1) Improving safe school planning and classroom management using positive behavioral supports, parental involvement, and other effective disciplinary tools.

(2) Providing improved mental health services in or through schools.

(3) Reviewing zero tolerance policies to ensure:

(A) compliance with applicable laws; and

(B) that students are not inappropriately referred to juvenile justice agencies.

(4) Providing assistance to parents concerning access to

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1 family strengthening programs.

2 (5) Improving communication, coordination, and
3 collaboration among schools, including special education
4 programs, parents, and juvenile justice agencies.

5 (6) Improving methods and procedures for school suspensions
6 and referrals to alternative schools.

7 (7) Providing for the collection, review, and reporting on an
8 annual basis of school behavioral and disciplinary problems,
9 arrests, and referrals to the juvenile justice system,
10 disaggregated on the basis of race and ethnicity, under
11 guidelines for determining the existence of disproportionality
12 in discipline or inappropriately high rates of suspension or
13 expulsion.

14 (d) Not later than July 1, 2011, a governing body must work
15 with parents to develop and submit to the department a plan for
16 improving behavior and discipline in the school corporation after
17 receiving a model plan developed by the department.

18 (e) The department, in collaboration with the department of
19 child services, the division of mental health and addiction, state
20 educational institutions, and parent organizations, shall provide
21 assistance to a school corporation in the implementation of the
22 school corporation's plan developed under subsection (d) to ensure
23 that teachers and administrators receive appropriate professional
24 development to prepare them to carry out the plan for supporting
25 student behavior and discipline.

26 (f) Each school shall annually report the information under
27 subsection (c)(7) to the department.

28 (g) This SECTION expires June 30, 2011.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1419, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "a" and insert "**an evidence based**".

Page 1, line 8, delete "based on the" and insert "**after receiving a**".

Page 2, line 29, delete "The" and insert "**Except as provided under IC 20-33-8-16**, the".

Page 5, line 25, after "model" insert "**evidence based**".

Page 5, line 29, delete "the" and insert "**a**".

Page 5, line 30, delete "The" and insert "**A**".

Page 6, line 13, delete "May 31," and insert "**July 1**".

Page 6, line 15, delete "based on the" and insert "**after receiving a**".

Page 6, between lines 24 and 25, begin a new paragraph and insert: "**(f) Each school shall annually report the information under subsection (c)(7) to the department.**".

Page 6, line 25, delete "(f)" and insert "**(g)**".

and when so amended that said bill do pass.

(Reference is to HB 1419 as introduced.)

PORTER, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1419, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "shall:" and insert "**shall work with parents to:**".

Page 5, line 29, after "addiction," insert "**parent organizations**".

Page 5, line 34, after "supports" insert "**, parental involvement**".

Page 6, line 3, delete "between" and insert "**among**".

Page 6, line 4, after "programs," insert "**parents**".

Page 6, line 14, after "must" insert "**work with parents to**".

Page 6, line 19, after "addiction," delete "and".

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Page 6, line 20, after "institutions," insert "**and parent organizations**".

and when so amended that said bill do pass.

(Reference is to HB 1419 as printed February 18, 2009.)

LUBBERS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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